



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

September 27, 1994

Ms. Myra C. Schexnayder  
Assistant School Attorney  
Houston Independent School District  
3830 Richmond Avenue  
Houston, Texas 77027-5838

OR94-589

Dear Ms. Schexnayder:

On behalf of the Houston Independent School District, you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 26252.

An employee of the school district has requested copies of students' handwritten statements, which were prepared in connection with an investigation of an alleged assault that occurred on the campus of a middle school. You claim that the statements are "education records" within the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, *see* Gov't Code § 552.026, and as such are excepted from disclosure pursuant to the Open Records Act. The statute defines "education records" as follows:

those records, files, documents, and other materials which--

- (i) contain information directly related to a student; and
- (ii) are maintained by an educational agency or institution or by a person acting for such agency or institution.

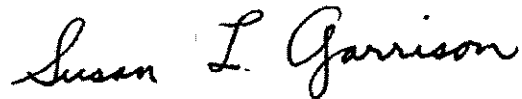
20 U.S.C. § 1232g(a)(4)(A). This definition is subject to some exceptions, which are not relevant to your request.

The handwritten statements are maintained by an educational institution. Each one was prepared by a student and contains information directly related to the student who wrote it and to other students. The statements are "education records" within the Family Educational Rights and Privacy Act. Moreover, each one contains so much

information directly related to students that we believe they are confidential in their entirety. *See* Attorney General Opinion JM-36 (1983); Open Records Decision Nos. 327 (1982); 224 (1979). Accordingly, you need not disclose any part of the requested records.

Because prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in cursive script that reads "Susan L. Garrison".

Susan L. Garrison  
Assistant Attorney General  
Open Government Section

SLG/LRD/rho

Ref.: ID# 26252

Enclosures: Submitted documents

cc: Ms. Ina Watson  
10910 Whitehorn  
Houston, Texas 77016  
(w/o enclosures)